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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,105	02/24/2000	Makiko Mori	862.C1846	5412

5514 7590 06/25/2004

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NEW YORK, NY 10112

EXAMINER

KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/512,105

Applicant(s)

MORI ET AL.

Examiner

Victor R. Kostak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
4a) Of the above claim(s) 21-28 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,7-11 and 16-20 is/are rejected.
7) ☒ Claim(s) 2-6 and 11-15 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3, 6 and 8-12.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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1. Applicant's election with traverse of group I in the reply filed on 03/12/04 is acknowledged. The traversal is on the ground(s) that the two groups are related enough that the search and examination will require duplicate work which may lead to inconsistent results. Besides this, administrative and economic considerations prompt one to prefer single examination.

This is not found persuasive because it has been explained the two groups are unrelated enough to qualify as restrictable, three reasons provided therefor in the restriction requirement presented in the last communication. Furthermore, the field of search and examination goes beyond that which is listed in the restriction requirement that identifies only respective designated class assignments. The search area of the first invention extends beyond that designated into additional diverse areas further from the field of the second area in which the second invention would be searched. Conversely, the field in which the second invention would be searched extends beyond that of the singly-designated class/subclass, and which would be required to be searched in further diverse areas beyond the diverse area required to be searched for the first invention. A significant burden is therefore evident in examining these two diverse inventions which supercedes considerations of consistency of examination and administrative and economic reasons were they adequately related.

The requirement is still deemed proper and is therefore made FINAL.

Claims 21-28 are therefore are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 03/13/04.

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2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Note MPEP 606.01.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. Though not warranting a rejection or an objection, applicant probably would prefer to delete the reference to step (39) in the last line of claim 5 since none of the other claims lists such numeric referencing. Appropriate correction is required.

6. The references deleted from the PTOL-1449 form are those that applicant has recognized are incorrectly listed (and re-submitted with a subsequent PTOL-1449 form).

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8-10 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kehlet (cited and provided by applicant).

Kehlet (noting Figs. 2 and 3A) arranges a source end including a computer 210 and a display 290 that receives a video signal from the source 210 for eventual display. The source computer includes a processor 212 that acquires characteristics of the display (e.g. format) when the source is powered up (noting step 310); processor 210 also serving to determine a communication specifics (i.e. protocol as well as data transmission parameters based on the display characteristics); and communication lines 270 and 280 for transmitting the video signal according to the communication specifics. The display end includes transmission of characteristic data to the source end in response to the request by the source (channel 270 is bi-directional); and display communication means inherent to the display for communicating the received signal so decided by the processor determining the appropriate communication specifics, for ultimately processing the signal for presentation on the screen, thereby meeting claims 1 and 10.

As for claims 19 and 20, source 210 includes a host computer that inherently contains a medium capable of executing programming for carrying out display set-up and signal transmission from the source to the display, which can be designated as a computer program product..

As for claims 8 and 17, the communication specifics include parameters of the display (noting col. 3 lines 55-60) which are defined by line and frame counts as well as frame rates, and inherently include horizontal, vertical, and transmission timing.

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Regarding claims 9 and 18, the parameters identified by Kehlet include frame or refresh rate and aspect ratio (col. 5 lines 1-5, as well as col. 3 lines 55-60).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehlet (the same as that above).

Kehlet points out that the listed parameters to be optimally determined are exemplary rather than exhaustive (noting again col. 5 lines 1-5), and the image ratio involves the horizontal and vertical dimensions. He also points out that other peripheral devices and capabilities (col. 3 lines 15-20).

It would have been obvious to one of ordinary skill in the art to select any reasonable image dimensions defining an image ratio and size for the clear purpose of making available various display options preferred on an individual basis, as Kehlet suggests by allowing various display modifications.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Claims 2-6 and 11-15 appear allowable over the prior art. Upstream communication requests are not disclosed or suggested.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak
Primary Examiner
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VRK